UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,166	07/30/2001	Benjamin Lee Glazer	3680-011112	2114

36787 7590 07/12/2005		EXAMINER
BLYNN L. SHIDELER		STERRETT, JONATHAN G
THE BLK LAW GROUP		
3500 BROKKTREE ROAD		ART UNIT | PAPER NUMBER
SUITE 200		3623
WEXFORD, PA 15090		

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/918,166	GLAZER ET AL.
	Examiner	Art Unit	
	Jonathan G. Sterrett	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 July 2001</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
      closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.
      4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-20</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
      Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
      Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
      a)☐ All b)☐ Some * c)☐ None of:
         1.☐ Certified copies of the priority documents have been received.
         2.☐ Certified copies of the priority documents have been received in Application No. _____.
         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
             application from the International Bureau (PCT Rule 17.2(a)).
      * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
      Paper No(s)/Mail Date <u>1-25-2005</u>.

4)☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

U.S. Patent and Trademark Office
PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 7112005

DETAILED ACTION

Summary

1.   **Claims 1-20** are pending in the application.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   **Claims 1, 3, 4, 5, 8, 11, 13, 14, 15 and 18** are rejected under 35

U.S.C. 112, second paragraph, as being indefinite for failing to particularly point

out and distinctly claim the subject matter which applicant regards as the

invention.

4.   Regarding **Claims 1, 3, 4, 5, 8, 11, 13, 14, 15 and 18**, the limitation "**at**

least some of" is cited. The claim is indefinite. Examiner suggests replacing the

limitation "**at least some of**" with "**a plurality of**".

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 1-8, 10-18 and 20** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Detjen US 5,970,466**, hereinafter **Detjen**, in view of **Wang US**

6,380,959, hereinafter **Wang**.

Regarding **Claim 1**, Detjen teaches:

a sponsor controlled customer database containing information relevant to individual customers who periodically need to schedule appointments with the sponsoring organization;

column 4 line 5-9, database used for accessing appointment records. The database is used in the preferred embodiment for a doctor's office, i.e., the sponsors, who control the customer appointment database.

column 6 line 48-50, patients of doctors (i.e. customers) are listed in the database –see line 61-62, appointments for individual patients (i.e. customers) made on a regular basis (i.e. periodically).

a set of sponsor parameters associated with each customer which define possible appointment times for a customer;

column 5 line 25, possible appointment times for a customer are defined by color coding of time slots in the appointment calendar view.

Column 5 line 31, set of available times is illustrated by vertical bar graphs (i.e. parameters) showing which doctors and examination rooms are available for the particular patient.

a central controller managing a schedule for the sponsoring organization, wherein the central controller operates via a network to

column 3 line 46-50, system runs on a network such that a central controller manages the schedule and all computers access a common set of data.

ii) **supply available appointment times to at least some of the customers, with the available appointment times determined by the sponsor parameters associated with the individual customer, and**

column 4 line 33-34, parameters maintained in system for individual customers, e.g. appointments scheduled for that customer.

Column 5 line 10-12, available appointment times are supplied to customers as determined by their parameters (i.e. the appointments they already have scheduled).

iii) **receive scheduling information from at least some of the customers.**

Column 5 line 52-54, the user (i.e. customer) can enter schedule information into the system for making an appointment.

Detjen does not teach where the central controller operates via a network to:

i) **contact at least some of the customers concerning the scheduling of appointments,**

Wang teaches a central controller operating via a network to:

i) **contact at least some of the customers concerning the scheduling of appointments,**

column 5 line 46-48, Java program provides event related transactions, including, line 57, sending an email to users.

column 13 line 54-57, Java program example contacts customers and receives confirmation of their intent to attend (i.e. scheduling appointment).

Wang and Detjen address issues associated with providing computer-based calendaring and scheduling, thus both Wang and Detjen are analogous art.

Wang teaches that his invention provides high performance in applications that need to perform multiple concurrent activities, such as scheduling applications where there are several users that need to be contacted and confirmed at the same time (column 2 line 64-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Detjen, regarding providing computerized scheduling, to include the step of providing automatic contacting and confirmation of a schedule appointment, as taught by Wang, because it would provide high performance in a scheduling application, where there is the need for users to be contacted and confirmed for a schedule appointment.

Regarding **Claim 2**, Detjen and Wang teach all the limitations of Claim 1 above, and Detjen teaches:

wherein the network is the Internet.

Column 3 line 64-65, internet utilized for program.

Column3 line 46-50, system runs on a networked application.

Regarding **Claim 3**, Detjen and Wang teach all the limitations of Claim 1 above, and Detjen teaches:

wherein the controller supplies a graphical appointment calendar to at least some of the customers with the available appointment times graphically illustrated,

Figure 2, the controller supplies a graphical appointment calendar to any customer with available appointment times – in this example for Dr Julie Johnson, available appointment times are graphically illustrated.

wherein the customer can schedule an appointment by selecting the icon associated with the desired appointment time.

Column 5 line 52-54, customer makes an appointment by clicking (i.e. selecting) in the status bar (i.e. icon) opposite the time for starting the appointment, i.e. at the desired appointment time.

Regarding **Claim 4**, Detjen and Wang teach all the limitations of Claim 1 above, and Detjen does not teach:

wherein the controller uses electronic mail to contact at least some of the customers concerning the scheduling of appointments and uses the World Wide Web to supply available appointment times to at least some of the customers and to receive scheduling information from at least some of the customers.

Wang teaches:

wherein the controller uses electronic mail to contact at least some

of the customers concerning the scheduling of appointments and

column 5 line 57, an email is sent to users – e.g. column 13 line 42-45 to

contact them concerning the scheduling of appointments.

uses the World Wide Web to supply available appointment times to

at least some of the customers and

column 5 line 41-42, invention is a web calendar, i.e. runs on the WWW to

supply available appointment time to users (i.e. customers).

to receive scheduling information from at least some of the

customers.

Column 13 line 55-57, confirmation of scheduling appointment (i.e.

information) is received from users.

Wang and Detjen address issues associated with providing computer-

based calendaring and scheduling, thus both Wang and Detjen are analogous

art.

Wang teaches that his invention provides high performance in applications

that need to perform multiple concurrent activities, such as scheduling

applications where there are several users that need to be contacted and

confirmed at the same time (column 2 line 64-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Detjen and Wang, regarding providing computerized scheduling and automatic customer contacting, to further include the step of providing automatic contacting and confirmation of a schedule appointment, as taught by Wang, because it would provide high performance in a scheduling application, where there is the need for users to be contacted and confirmed for a schedule appointment.

Regarding **Claim 5**, Detjen and Wang teach all the limitations of Claim 1 above, and Detjen does not teach:

wherein the controller contacts at least some of the customers concerning the scheduling of appointments via off-line communication techniques.

Official Notice is taken that it is old and well known in the art of scheduling for customers to be contacted through off-line communication techniques. Prior to the Internet, customers were scheduled for appointments using offline techniques such as telephone and US postal mail.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Detjen and Wang, regarding providing computerized scheduling and customer contacting, to further include

the step of contacting customers via off-line techniques, because it would ensure

customers who were unable to be contacted online could be contacted to

schedule an appointment.

Regarding **Claim 6**, Detjen and Wang teach all the limitations of Claim 1

above, and Detjen teaches:

wherein the sponsor parameters for each customer include the

availability of sponsor personnel, the availability of sponsor resources, and

the time to be allotted for the scheduled appointment.

Column 5 line 31, set of available times is illustrated by vertical bar graphs

(i.e. parameters) showing which doctors (i.e. sponsor personnel) or examination

rooms (i.e. sponsor resources) at which times are available for the particular

patient to be scheduled for an appointment.

Regarding **Claim 7**, Detjen and Wang teach all the limitations of Claim 1

above, and Detjen teaches:

wherein the controller supplies the sponsor with a real time master

schedule via the network.

Column 5 line 41-42, the controller suppliers a user (i.e. sponsor) with a

master schedule of all the schedules in a group on one screen.

Column 8 line 41-43, schedules can be refreshed instantaneously by

hitting the F5 key

Column 8 line 35-40, refresh rate of schedules can be set down to 0

seconds (i.e. real time).

Regarding **Claim 8**, Detjen and Wang teach all the limitations of Claim 1

above, and Detjen teaches:

changes occurring in the sponsor parameters.

Figure 4 menu command "Modify Appointment" for Doctor Julie Johnson

(i.e. sponsor parameter).

Detjet does not teach

wherein the controller contacts at least some of the customers via

the network concerning rescheduling of appointments due to changes in

the sponsor parameters.

Wang teaches:

wherein the controller contacts at least some of the customers via

the network concerning rescheduling of appointments due to changes in

the sponsor parameters.

Column7 line 35-38, capplets are activated when an event occurs, such as

a change in a schedule, or when activated by a user.

Column 13 line 46-48, Capplets specialize in internet transactions,

including email, that are associated with a web calendar event, including a

change in a calendar event, i.e. a reschedule.

Wang and Detjen address issues associated with providing computer-based calendaring and scheduling, thus both Wang and Detjen are analogous art.

Wang teaches that his invention provides high performance in applications that need to perform multiple concurrent activities, such as scheduling applications that can be triggered by calendar events(column 2 line 64-65 & column 13 line 42-44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Detjen and Wang, regarding providing computerized scheduling, to further include the step of providing automatic contacting regarding changes in a sponsor parameters affecting a schedule appointment, as taught by Wang, because it would provide high performance in a scheduling application, where there is the need for users to be contacted when changes occur in sponsor parameters.

Regarding **Claim 10**, Detjen and Wang teach all the limitations of Claim 1 above, and Detjen teaches:

wherein the sponsor is a medical professional.

Column 4 line 65-67, sponsors are a group of doctors, e.g. Dr. Julie Jones.

Claims 11-18 and 20 recite similar limitations as those recited in Claims 1-8 and 10 above, and are therefore rejected under the same rationale.

7.   Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detjen in view of Wang and further in view of Levine, US 5,289,531, hereinafter Levine.

Regarding Claim 9, Detjen and Wang teach all the limitations of Claim 1 above, and Detjen and Wang do not teach:

wherein the rescheduling of appointments is prompted by customer preferences wherein a preferential appointment time becomes available and the customer is subsequently notified by the controller.

Levine teaches:

wherein the rescheduling of appointments is prompted by customer preferences wherein a preferential appointment time becomes available and the customer is subsequently notified by the controller.

Column 4 line 59-63, customer preferences for a new appointment time causes office to reschedule based on their preferences for a new time.

Figure 4 #55 controls processor (i.e. controller).

Column 8 line 60-65, controller automatically calls customers for rescheduling of appointments.

Wang, Detjen and Levine address issues associated with providing computer-based calendaring and scheduling, thus all are analogous art.

Levine teaches that his invention saves time through automating the rescheduling of office appointments   (column 1 line 53-56).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Detjen and Wang, regarding providing computerized scheduling and automatic notification to customers upon schedule changes, to further include the step of notifying the customer when a preferential time becomes available, as taught by Levine, because it would save time through automating the rescheduling process.

Claim 19 recites similar limitations as those recited in **Claim 9** above, and is therefore rejected under the same rationale.

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5855006 by Huemoeller discloses a personal scheduling apparatus.

US 5930764 by Melchione discloses a customer database.

US 6016478 by Zhang discloses a peer to peer scheduling system.

US 6144942 by Ruckdashel discloses a method for notifying a user of a previously scheduled event.

US 6232970 by Bodnar discloses a handheld device for maintaining schedule information.

US 6370566 by Discolo discloses a mobile device scheduling system.

US 6760412 by Loucks discloses a remote reminder of scheduled events.

US 6850890 by Roff discloses a scheduling system for use in a chiropractice office.

US 6898569 by Bansal discloses an advanced messaging and scheduling system.

US 6560592 by Reid discloses a database system with intelligent triggers for automating external processes including scheduling and reordering.

US 6457045 by Hanson discloses a system for group decision making, including for setting a schedule for a group.

US 6058415 by Polcyn discloses a database system for automating scheduling including obtaining user appointment preferences.

Weber, David, "Web Sites of Tomorrow: How the Internet will transform Health", May/June 1999, Health Forum Journal, 42, 3; ABI/INFORM Global, p.40.

Ballard, Brent, "The evolution of a call center at Sarasota Memorial Hospital", Oct 1997, Health Management Technology, Vol 18, Iss 11, p.54, ProQuest ID 16979649.

Straub, Kris, "Right on Schedule? Demand for Enterprise-wide scheduling solutions grows", June 1997, Health Management Technology, Vol 18, Iss 7, p.32, ProQuest ID 12566468.

Web.archive.org, "Shibutzit Software Development LTD", Feb 3, 1999, web.archive.org/web/19990203115559/www.schedulogic.com/techno.htm, pp.1-6.

Web.archive.org, "Shibutzit –Intelligent Staff Scheduling", Nov 11, 1998, web.archive.org/web/19991111190535/http://www.schedulogic.com/, pp.1-6.

Marshall, Patrick, "Streamlined PIM's offer ease, simplicity: Day-Timer for Windows 1.0", Nov 7, 1994, InfoWorld, v16n45, pp.93-96+, Dialog 00934565 95-83957.

Warner, Paul D, "Controlling Appointments", Nov 1994, CPA Journal, v64n11, pp.40-42+, Dialog 00939969 95-89361.

Marshall, Tom, "You can pick your friends", Aug 7, 1995, InfoWorld, v17n32, pp.50-61, Dialog 01077310 97-26704.

Murray, Dennis, "New Office Technology lets you get more done faster", August 9, 1993, Medical Economics, v70, n15, p51(7), Dialog 06736027 14343074.

"Personal Communication Systems: PhoneTree Pro Reduces Missed Appointments by up to 80%", Jan 1997, Health Data Management, pS13, Dialog 04756849 47000422.

Business Wire, "Matador Design, Inc. Releases WebEvent 3.2; New Prices and New License Sizes for a Custom-Fit Web Scheduling Solution", Nov 3, 1999, p1414, Dialog 06778142 57159154.

Scerra, Chet, "Eyecare software streamlines office management", Oct 1, 1999, Ophthalmology Times, v24, n19, p66, Dialog 06764356 56229559.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS 7-11-2005

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